

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

**PREPARED BY:** Christopher M. Gratz, Planner II

**SUBJECT:** Quasi Judicial Hearing: Ordinance 1st Reading, ZB 9-2-04 Scarborough Land Development, Inc./Lori English, 10650 State Road 84/ Generally located at the southeast corner of State Road 84 and Scarborough Drive.

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-04 SCARBOROUGH II, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT AND ALLOCATING COMMERCIAL FLEXIBILITY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The request is to rezone the subject site from CF, Community Facilities District to B-2, Community Business District, and to allocate 2.77 acres of commercial flexibility from Flex Zone 100. On July 8, 2004, the property was purchased from the Town with the understanding that it would be rezoned to accommodate office use. The site was slated to be donated by the Town for the Young at Art/Broward County Library project. The approvals associated with the Young at Art/Broward County Library project changed the Future Land Use Plan Map designation to a Special Residential designation and CF, Community Facilities District zoning classification. Prior to this in 1987, the Future Land Use Plan Map designation and zoning classification were made Commercial and B-2, Community Business District. Since the development rights were changed from commercial to residential by the Young at Art/Broward County Library proposal commercial flexibility must now be applied in order to allow office use.

According to the Land Development Code, the parcel meets the minimum technical requirements for the B-2, Community Business District zoning classification, as the minimum lot size required is 52,500 square feet, and the subject site is 2.77 acres (120,663 square feet), minimum frontage and depth is 200', and the subject site has approximately 284' frontage and a depth of 465'.

The owner is proposing to develop the parcel with a maximum of 50,000 square feet of office use, and a request to amend the restrictive note on the plat reflecting this has been made concurrently. Office use is allowed by the requested zoning designation and this use meets the intent of the B-2, Community Business District by providing for a business area to serve the needs of the community.

Office use is a compatible use on this parcel and the site was previously designated for this use. To the north is the SR 84/I-595 Corridor, to the south is a planned single family home development that is required to be separated by a 20' setback, buffered by an 8' masonry wall and 10' landscape buffer, to the east is a commercial property where office use is proposed, and to the west is a multi-family development that is separated by Scarborough Drive and buffered with landscaping.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the April 13, 2005, Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning Report

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-04 SCARBOROUGH II, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT AND ALLOCATING COMMERCIAL FLEXIBILITY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities District; to B-2, Community Business District, and that 2.77 acres of commercial flexibility from Flex Zone 100 be allocated in accordance with the Administrative Rules Document of the Broward County Land Use Plan;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from CF, Community Facilities District; to B-2, Community Business District, and that 2.77 acres of commercial flexibility from Flex Zone 100 be allocated in accordance with the Administrative Rules Document of the Broward County Land Use Plan:

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, B-2, Community Business District;

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed;

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance;

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption and is subject to approval of a compatibility review, for the allocation of commercial flexibility, according to Policy 13.01.10 of the Broward County Land Use Plan.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner/Petitioner:**

**Name:** Lori G. English  
Scarborough Land Development, Inc  
**Address:** 1361 W. Fairway Road  
**City:** Pembroke Pines, FL 33026  
**Phone:** (954) 821-7892

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**Background Information**

**Date of Notification:** April 6, 2005      **Number of Notifications:** 124

**Application History:** No deferrals have been requested.

**Planning and Zoning Board Recommendation:** Approval was recommended at the April 13, 2005, meeting.

**Application Request:** Rezone the 2.77 acre subject site **FROM:** CF, Community Facilities District; **TO:** B-2, Community Business District, and allocating 2.77 acres of commercial flexibility in accordance with the Administrative Rules Document of the Broward County Land Use Plan.

**Address/Location:** 10650 State Road 84/ Generally located at the southeast corner of State Road 84 and Scarborough Drive.

**Future Land Use Plan Map Designation:** Special Classification Residential (8.5 DU/AC)

**Existing Zoning:** CF, Community Facilities District

**Proposed Zoning:** B-2, Community Business District

**Existing/Proposed Use:** Vacant/Office building

**Net Parcel Size:** 2.77 acres (120,663 square feet)

**Surrounding Uses:**

**North:** State Road 84  
**South:** Scarborough (Single family dwellings)  
**East:** Vacant parcel (proposed CaseyCo Commerce Center)  
**West:** Cameron Palms (Multi-family dwellings)

**Surrounding Future Land Use Plan Map Designations:**

**North:** Transportation  
**South:** Residential (5 DU/ AC)  
**East:** Residential (5 DU/ AC), Commercial Flexibility applied  
**West:** Special Classification Residential (8.5 DU/ AC)

**Surrounding Zoning:**

**North:** T, Transportation District  
**South:** PRD-5.1, Planned Residential District  
**East:** CC, Commerce Center District  
**West:** RM-10, Multi-family Medium Dwelling District

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## **Zoning History**

**Annexation History:** The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

**Land Use Plan Amendments:** The Land Use Plan Amendment, LA 85-1, changing a 6.1 acre site from Residential (5 DU/ AC) to Commercial, was approved on February 4, 1987.

The Land Use Plan Amendment, LA BC 85-4, changing a 3.3049 acre site from Residential (5 DU/ AC) to Commercial, was approved on February 4, 1987.

The Land Use Plan Amendment, LA BC 96-1, changing 36 acres of Residential (5 DU/ AC) and 7 acres of Commercial; to 43 acres of Residential (8.5 DU/ AC), was approved on April 2, 1996.

**Rezoning Requests:** The rezoning, ZB 7-4-85 Town of Davie Phase III Rezoning, assigning or affirming zoning classifications of annexed parcels was approved on July 17, 1985.

The rezoning, ZB 3-2-87 Scarborough Associates/Eisenberg, changing a 3.3049 acre site from R-5 to B-2, Community Business District, was approved on March 4, 1987.

The rezoning ZB 11-2-96 Goray/Davie Lakes, changing a 44 acre subject site from: B-1, Neighborhood Business District, B-2, Community Business District, and RM-5, Multifamily Low Medium Dwelling District; to: RM-10, Multi-family Medium Density Dwelling District and CF, Community Facilities District, was approved on February 5, 1997.

Resolution 2004-51 revoked a Declaration of Restrictions that stated that the property may only be used for library and educational uses.

**Plat and Delegation Requests:** The plat, Scarborough I, for a 44.275 acre site, located at the corner of SR 84 and Hiatus Road, was approved on February 16, 1983, with a note restricting it to 171 multi-family duplex units and 10 acres (100,000 square feet) of commercial use, and was subsequently recorded in Plat Book 119, Page 38, of the official records of Broward County on April 4, 1984.

The plat, Scarborough II, for a 60.984 site, located adjacent to Scarborough I and a vacant unplatted parcel adjacent to Bright Road, was approved on April 4, 1984, with a note restricting it to 300 single or multi-family units, and was subsequently recorded in Plat Book 126, Page 44, of the official records of Broward County on March 28, 1986.

The delegation request, DG 12-4-96, Scarborough I, providing for a revision to the restrictive note by deleting commercial uses and increase the number of multi-family dwelling units, was approved on February 5, 1997.

The delegation request, DG 12-5-96, Scarborough II, providing for a revision to the restrictive note by changing commercial uses to residential use, was approved on February 5, 1997.

The delegation request, DG 3-1-97 Scarborough I, amending the non-vehicular access line, turn lane configurations, and bonding requirements was approved on April 2, 1997.

The delegation request, DG 1-2-05 Scarborough II, providing for a revision to the restrictive note from 100,000 square feet of library use, to 50,000 square feet of office use, will be considered at the May 4, 2005, Town Council meeting.

**Related Site Plans:** The site plan, SP 11-7-96 Davie Lakes, for 340 multi-family units, was approved on May 7, 1997.

The site plan modification, SP 4-5-98 Cameron Palms, changing the project name from Davie Lakes, upgrading landscaping, and modifying entrance signage, was approved on June 23, 1998.

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### **Applicable Codes and Ordinances**

§12-24 (J) (5) of the Land Development Code, Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: lot area of 52,500 square feet, 200' frontage & 200' depth, 10' setbacks abutting non-residential uses, 20' setbacks abutting residentially zoned, occupied, or Land Use Plan designated properties, 25' setbacks

from public or private rights-of-way, 30% open space, and the following maximums: height 35' & 40% building coverage.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 100. There are 231.19 acres of commercial flexibility available in this flex zone. Approval of a compatibility review, for the allocation of commercial flexibility, according to Policy 13.01.10 of the Broward County Land Use Plan is required.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 7-1:* The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 7-3:* Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

The request is to rezone the subject site from CF, Community Facilities District to B-2, Community Business District, and to allocate 2.77 acres of commercial flexibility from Flex Zone 100. On July 8, 2004, the property was purchased from the Town with the understanding



that it would be rezoned to accommodate office use. The site was slated to be donated by the Town for the Young at Art/Broward County Library project. The approvals associated with the Young at Art/Broward County Library project changed the Future Land Use Plan Map designation to a Special Residential designation and CF, Community Facilities District zoning classification. Prior to this in 1987, the Future Land Use Plan Map designation and zoning classification were made Commercial and B-2, Community Business District. Since the development rights were changed from commercial to residential by the Young at Art/Broward County Library proposal commercial flexibility must now be applied in order to allow office use.

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## **Staff Analysis**

According to the Land Development Code, the parcel meets the minimum technical requirements for the B-2, Community Business District zoning classification, as the minimum lot size required is 52,500 square feet, and the subject site is 2.77 acres (120,663 square feet), minimum frontage and depth is 200', and the subject site has approximately 284' frontage and a depth of 465'.

The owner is proposing to development the parcel with a maximum of 50,000 square feet of office use, and a request to amend the restrictive note on the plat reflecting this has been made concurrently. Office use is allowed by the requested zoning designation and this use meets the intent of the B-2, Community Business District by providing for a business area to serve the needs of the community.

Office use is a compatible use on this parcel and the site was previously designated for this use. To the north is the SR 84/I-595 Corridor, to the south is a planned single family home development that is required to be separated by a 20' setback, buffered by an 8' masonry wall and 10' landscape buffer, to the east is a commercial property where office use is proposed, and to the west is a multi-family development that is separated by Scarborough Drive and buffered with landscaping.

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## **Findings of Fact**

### **Rezoning:**

#### **Section 12-307(A) (1):**

#### **The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Comprehensive plan allows parcels with a residential Future Land Use Plan Map designation to be rezoned to a commercial zoning district for office use through the allocation of commercial flexibility in accordance with the Administrative Rules Document of the Broward County Land Use Plan.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*Designating the site B-2, Community Business District is related to the adjacent CC, Commerce Center zoning designation on the property to the west and is compatible with the adjacent multi-family and single family designations through the application of the Land Development Code's setback and buffering requirements.*

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

*The parcel's boundaries precisely correspond to the zoning district boundaries and the requested change to this vacant parcel is logical since the property meets the requirements to gain the zoning designation.*

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

*Designating the site B-2, Community Business District in order to allow the parcel to be developed with office use should not have a negative impact on the neighborhood. The Land Development Code requires that the site be designed to account for the adjacent single family home development by limiting building height to 35', requiring a minimum 20' setback, 8' masonry wall and 10' landscape buffers. Access was limited to Scarborough Drive when the parcel was platted because it does not have enough frontage on SR 84 to allow for an access opening.*

- (e) The proposed change should not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The parcel is vested with 100,000 square feet of use for the Young at Art/Broward County library and 50,000 square feet of office use should generate a comparable amount of traffic. At the time of site plan approval local road concurrency will be addressed.*

- (f) The proposed change is not expected to adversely affect other property values;

*Being adjacent to office use should not have a negative impact on the value of the adjacent properties, as prior to the site being proposed to be the Young at Art/Broward County Library facility it was designated Commercial on the Future Land Use Plan Map and zoned B-2, Community Business District.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*The vacant parcel to the east can be developed with office use, and allowing this site to be developed with office use will not deter improvements to the surrounding properties. The other surrounding properties have been developed with residential uses, and an office building in scale with the surrounding neighborhood can serve as a landmark in this area.*

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*Approval of this rezoning request will not give the owner a unique benefit that harms the welfare of the general public. The request is consistent with previously allowed uses.*

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

*The existing CF, Community Facilities District zoning does not allow office use and the parcel was sold by the Town with the intent of it being developed with the previously permitted use.*

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*Designating the site B-2, Community Business District will allow the development of office use, which benefits the Town's tax base. Commercial uses are best located adjacent to major transportation corridors and this parcel is located adjacent to the SR 84/I-595 corridor, and the parcel was previously approved to be developed with commercial use.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the April 13, 2005, Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve (Motion carried 5-0).

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### **Town Council Action**

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### **Exhibits**

1. Justification
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

# SCARBOROUGH LAND DEVELOPMENT, INC.

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January 13, 2005

Town of Davie  
Planning and Zoning Board  
6591 Orange Drive  
Davie, Florida 33314

RE: Scarborough II  
2.77 Acres located at corner of Scarborough and SR 84 (Legal Attached)  
Scarborough Land Development, Inc.

To Whom It May Concern:

My company purchased the above-referenced property from the Town of Davie on July 8, 2004. I was awarded the bid for the property at the City Commission Meeting with the understanding that the zoning would be returned to the underlying zoning of B-2 and B-3. The original zoning of B-3 was changed to CF to accommodate the Library and Young at Art Plat. This property is a 2.77 acre property fronting SR 84 just east of Scarborough Road. As I discussed with the Town Commission, my intent is to develop an Office Park that would serve the needs of the community with architecture that is similar to adjacent properties.

The proposed change meets the adopted comprehensive plan and does not create an updated zoning district. The proposed change is consistent with adjacent properties all along the SR 84 corridor in this area. The Office Park that is planned will not adversely affect the living conditions in the neighborhood and will not increase the vehicular traffic in any adverse way. This proposed change will not constitute a special privilege as the property had been previously zoned B-3. The B-2 zoning we are requesting is actually down zoning the uses allowed in the B zonings.

This re-zoning to B-2 from CF will certainly add to the tax base for the Town of Davie and present an attractive office building on SR 84. When purchasing the property from the Town of Davie, it was with the understanding from council that we would not use the CF zoning which had been created for "only" for the use of a public library and Young at Art. The petitioner is not asking for any special privileges.

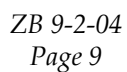
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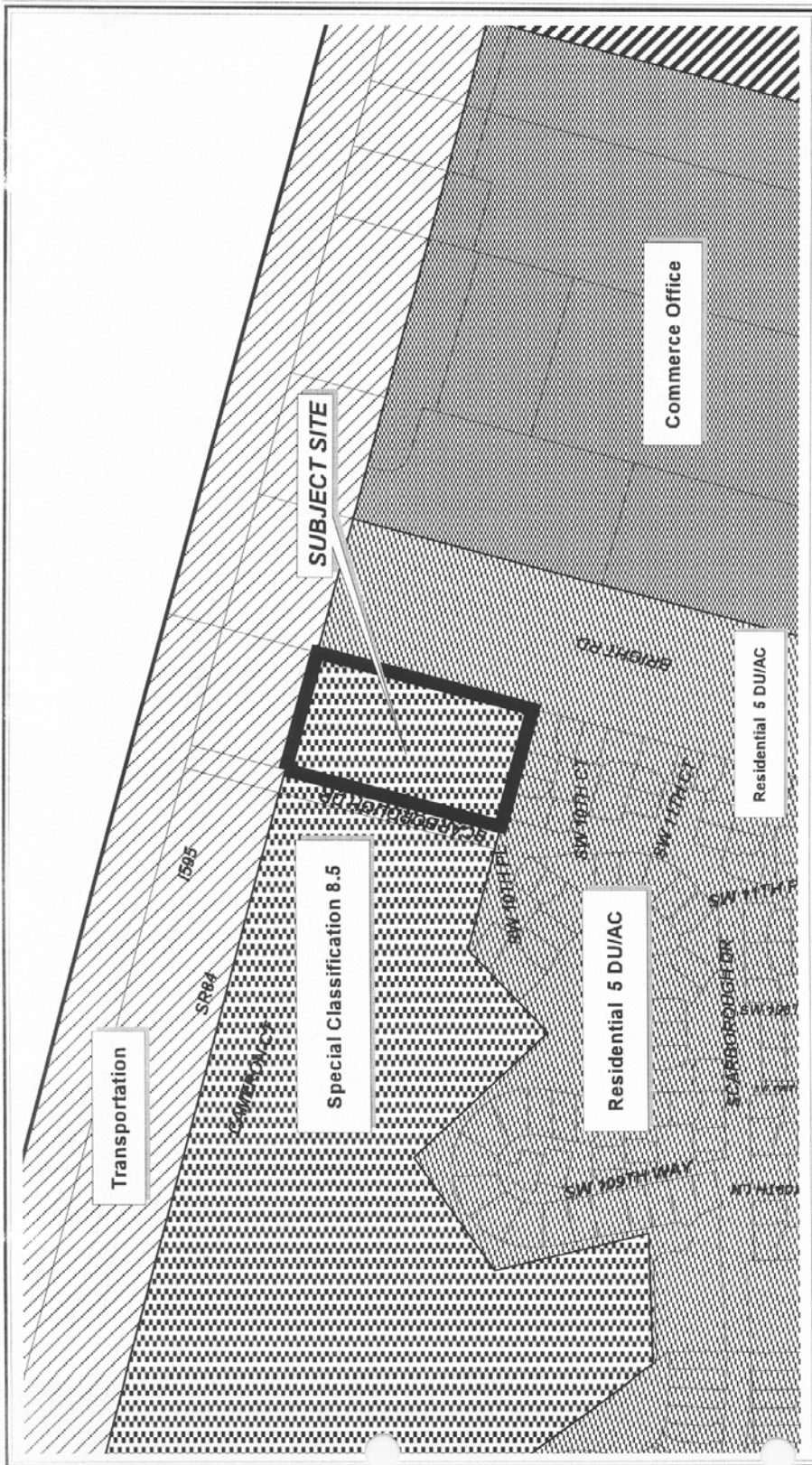


Lori G. English  
Owner  
Scarborough Land Development, Inc.

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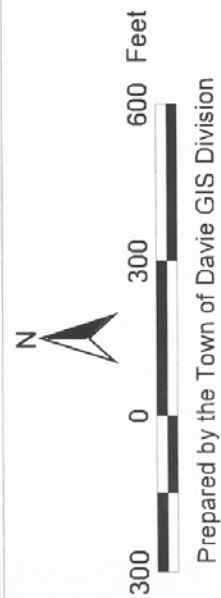
1361 W. Fairway Road ■ Pembroke Pines ■ Florida ■ 33026  
954-821-7892 Phone



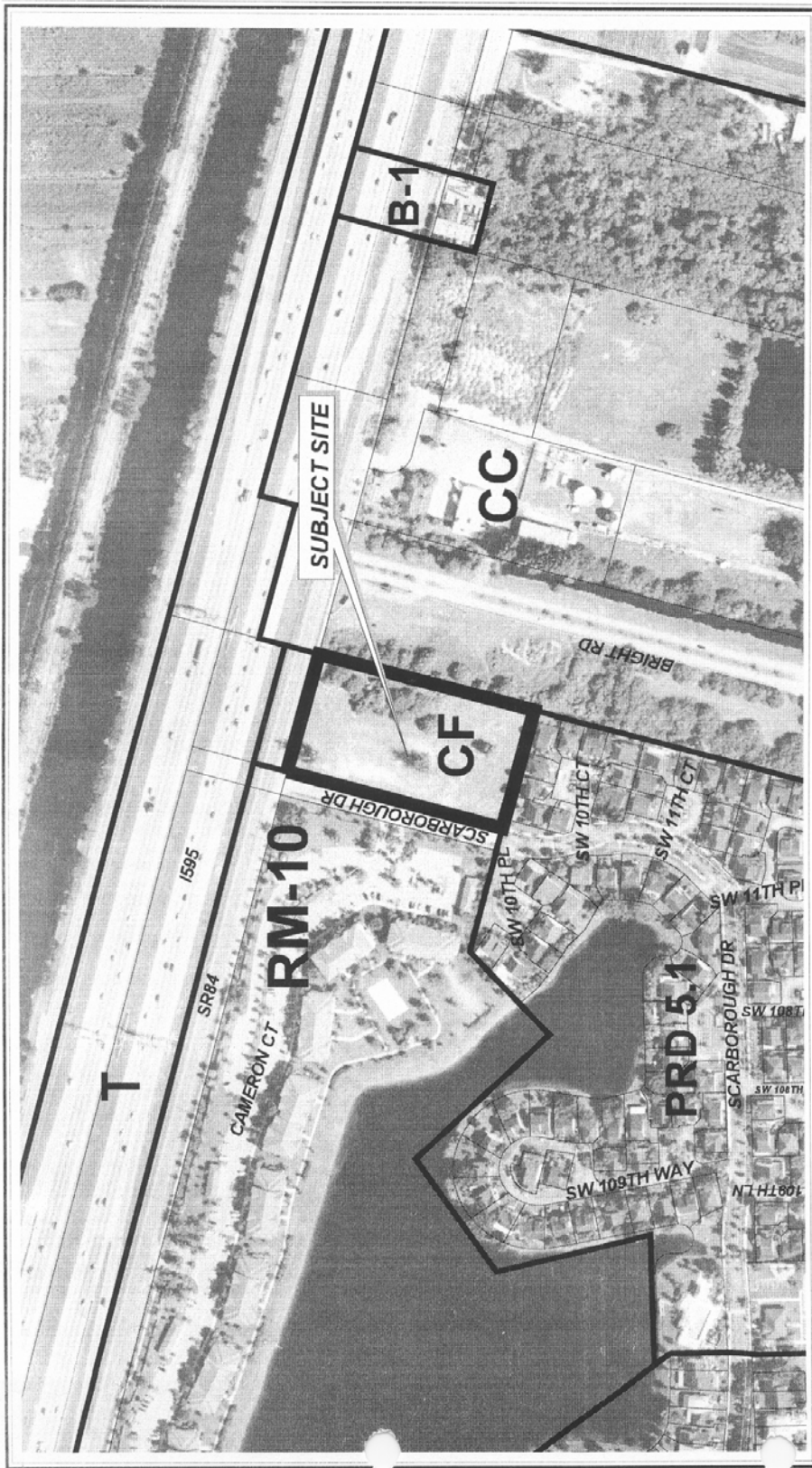


# **REZONING** **ZB 9-2-04** **Future Land Use Map**

Prepared By: id  
 Date Prepared: 10/11/04







Date Flown:  
12/31/02



Prepared by the Town of Davie GIS Division



# **REZONING** **ZB 9-2-04** **Zoning and Aerial Map**

Prepared By: id  
Date Prepared: 10/11/04

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